

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MATTHEW W. MILLER,

Plaintiff,

v.

TRACEY PETERS,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 4:23-cv-01054-RWS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Matthew W. Miller’s application to proceed in the district court without prepaying fees or costs. After consideration of the financial information provided in the application, the Court will grant the application and waive the filing fee. Additionally, as explained below, the Court finds that the complaint is frivolous and fails to state a claim upon which relief may be granted and will therefore dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B).

Legal Standard

This Court is required to review a complaint filed in forma pauperis to determine whether summary dismissal is appropriate. *See* 28 U.S.C. § 1915(e). This Court must dismiss a complaint or any portion of it that is frivolous or fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2). An action is frivolous if it “lacks an arguable basis in either law or fact.” *Neitzke v. Williams*, 490 U.S. 319, 328 (1989). The term “‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Id.* While federal courts should not dismiss an action commenced in forma pauperis if the facts alleged are merely unlikely, the court can properly dismiss such an action if the allegations in the complaint are found to be “clearly baseless.” *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (citing *Neitzke*,

490 U.S. 319). Allegations are clearly baseless if they are “fanciful,” “fantastic,” or “delusional,” or if they “rise to the level of the irrational or the wholly incredible.” *Id.* An action fails to state a claim upon which relief may be granted if it does not plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

The Complaint

The complaint is handwritten on a Court-provided form. Plaintiff brings this action against defendant Tracey Peters, who he does not identify except to state that she lives in Jefferson City, Missouri.

In his Statement of Claim, plaintiff states in full:

1. What happened to you? I have been [pressured or pursued] until taken down.
2. When did it happen? 1995 to 2023
3. Where did it happen? United States of America
4. What injuries did you suffer? Multiple injuries
5. What did each defendant personally do, or fail to do, to harm you? She sent people to attack me.

For relief, plaintiff seeks “two quintillion” dollars in damages.

Discussion

Liberally construed, plaintiff seeks damages from defendant for twenty-seven years of defendant sending multiple people to attack him. Based on the little information plaintiff has provided, his allegations “rise to the level of the irrational or wholly incredible.” *Denton*, 504 U.S. at 33. The Court therefore finds that plaintiff’s allegations are clearly baseless as defined in *Denton*. The Court will therefore dismiss this action as frivolous and for failure to state a claim upon which relief may be granted.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED**. A separate order of dismissal will accompany this order.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel [ECF No. 3] is **DENIED** as moot.

Dated this 25th day of August, 2023.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE